REMARKS

Rejection - 35 U.S.C. 102(b)

The Examiner has rejected claims 1-7 under 35 U.S.C. 102(b) as being anticipated by

Bakis (5,822,718). Applicant has added new claims 8-18. In reply, Applicant emphasizes that a

claim is anticipated if, and only if, each and every element in the claim is found, either expressly

or inherently, in the prior art reference; and will show that no anticipation exists here for the

following reasons.

Claims 1, 8, and 17-18

The examiner proposed that Bakis teaches the substantial features of the claimed

invention. Applicant respectfully disagrees. With respect to the claim 1, Bakis fails to teach,

describe, or suggest the following feature:

"a parameter adjustment element operating to calculate frequency domain parameters"

In regard to this feature, Bakis does not teach a system which calculates frequency

domain parameters of the acoustic signal. Conversely, Bakis teaches a system which only uses

the acoustic signal in the time domain to perform its calculations. At column 2, lines 34-42,

Bakis states:

> The sound card 14 converts the signal to a digital form, typically a PCM (Pulse
> Code Modulation) representation 20. This form consists of binary-coded
> numbers, each representing the sampled value of the electrical analog signal at a
> specific time point...
>   The digital PCM signal 20 is analyzed by the program 12 of this invention,
> labeled "Diagnostic Program" in FIG. 1.

Thus, it is apparent from this description that Bakis teaches a program that performs

calculations using the digital signal in the time domain, not in the frequency domain. It should

be noted that Bakis does not teach any component which has the capability of converting the signal from time domain to frequency domain.

Conversely, the present invention teaches a system which transforms the incoming acoustic signal to frequency domain in order to perform certain calculations (page 6 of the patent application). Thus, Applicant submits that since Bakis does not teach, describe, or suggest this particular feature, claim 1 is allowable. In addition, since claim 1 is allowable, claims 8, 17 and 18 are also allowable because it is dependent on claim 1.

Claims 2, 4, and 10

With respect to amended claim 2, Bakis fails to teach, describe, or suggest the following feature:

"comparing said signal to a threshold value to determine the on/off state of said microphone"

In regard to this feature, Bakis does not teach a system which compares the acoustic signal level to a specified threshold level to determine whether or not the microphone is in an on or off state. Conversely, Bakis teaches a system which merely performs an analysis of a histogram of the digital signal in order to estimate signal levels.

In particular, Bakis teaches a system that converts the analog signal to digital form, typically to a PCM representation (column 2, lines 35-36). Once the signal is in digital form, the program analyzes the digital signal (column 2, lines 42-43). The program in Bakis generates a histogram from the digital information (column 3, lines 27-30). Then, the program in Bakis determines percentiles from the histogram (column 3, lines 38-40). The program in Bakis then uses the percentile values merely to obtain an estimation of the signal levels (column 4, lines 6-10).

Thus, the system taught in Bakis is merely using a histogram of the digital signal to obtain a general estimation of the acoustic signal levels. This is unlike the present invention, which uses a threshold value comparison to determine whether the microphone is specifically in an on or off state (page 8 of the patent application). Thus, Applicant submits that since Bakis does not teach, describe, or suggest this particular feature, claim 2 is now allowable. In addition, since claim 2 is now allowable, claims 4 and 10 are also allowable because they are dependent on claim 2.

Claims 3, 5, 6, and 9

With respect to amended claim 3, Bakis fails to teach, describe, or suggest the following feature:

"performing frequency domain transform of said acoustic signal"

Similar to claim 1, claim 3 teaches a system which calculates frequency domain parameters. Since claim 1 and claim 3 are similar in this way, the same argument discussed above for claim 1 can be applied to claim 3. It follows that Bakis does not anticipate claim 3. Thus, claim 3 is now allowable.

Also, since claim 3 is now allowable, claims 5, 6 and 9 are also allowable because they are either dependent on claim 3 or dependent on another claim that depends on claim 3.

Claim 7 and 11-13

With respect to amended claim 7, Bakis fails to teach, describe, or suggest the following feature:

"perform frequency domain transform of an acoustic signal"

Similar to claim 3, claim 7 teaches a system which calculates frequency domain parameters. Since claim 3 and claim 7 are similar in this way, the same argument discussed above for claim 3 can be applied to claim 7. It follows that Bakis does not anticipate claim 7. Thus, claim 7 is now allowable. Since claims 11-13 depend on claim 7, they are allowable as well.

CONCLUSION

The Examiner has rejected claims 1-7. Applicant has amended claims 2-5 and 7; added claims 8-18; and replied to the Examiner's 35 U.S.C. 102(b) rejection on claims 1-7. The title and Fig. 5 have also been amended. Applicant respectfully requests reconsideration of pending claims in the present patent application in view of the amendments and remarks.

Respectfully submitted,

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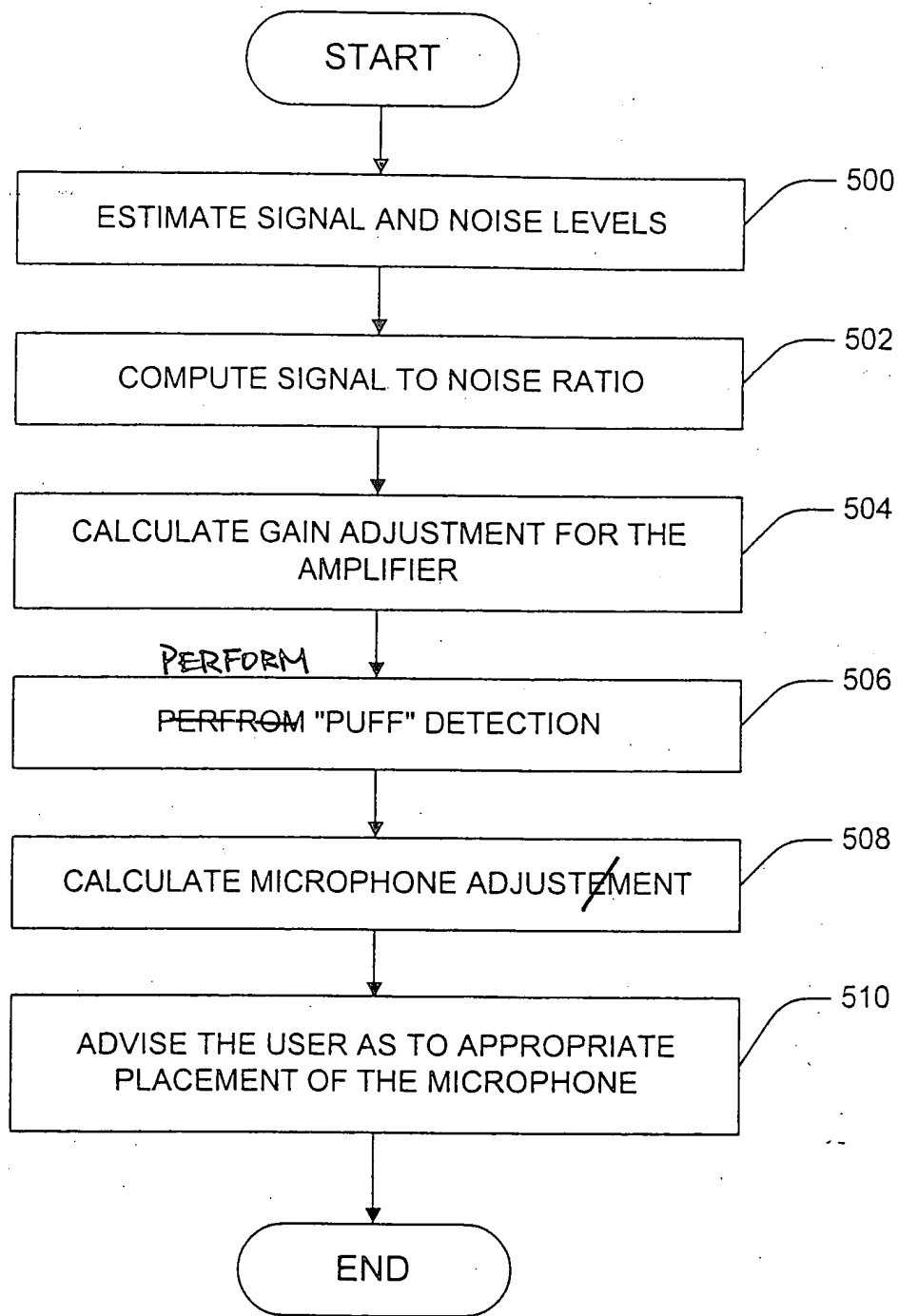Los Angeles, California 90071
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START

ESTIMATE SIGNAL AND NOISE LEVELS ——— 500

COMPUTE SIGNAL TO NOISE RATIO ——— 502

CALCULATE GAIN ADJUSTMENT FOR THE
AMPLIFIER ——— 504

PERFORM

PERFROM "PUFF" DETECTION ——— 506

CALCULATE MICROPHONE ADJUSTMENT ——— 508

ADVISE THE USER AS TO APPROPRIATE
PLACEMENT OF THE MICROPHONE ——— 510

END

FIG. 5